

## Chapter PSC 165

### STANDARDS FOR TELECOMMUNICATIONS SERVICE

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## Subchapter I – General \*

**PSC 165.0101 General.** (1) **PURPOSE.** (a) The rules making up ch. PSC 165 are designed to effectuate and implement ss. 196.02, 196.03, 196.06, 196.10, 196.12, 196.15, 196.16, 196.17, 196.19, 196.21, 196.219, 196.22, 196.60, 196.62, 196.625, 196.72 and parts of other sections of the Wisconsin statutes.

(b) Chapter PSC 165 of the public service commission's departmental rules is part of the Wisconsin Administrative Code and constitutes a general order of the public service commission, the issuance of which is authorized by ss. 196.02, 196.06, 196.10, 196.12, 196.15, 196.16, 196.17, 196.19, Stats.

(2) **SCOPE AND EXCEPTION.** (a) The requirements of ch. PSC 165 shall be observed by all telecommunications public utilities providers subject to the jurisdiction of the commission, as specified herein, except insofar as an exemption may be made by the commission as hereinafter mentioned. Nothing herein shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances therein involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in these rules and regulations.

(b) Sections PSC 165.0203 to 165.0210, 165.0405, 165.0406, 165.0601 to 165.0605, 165.0607 to 165.0612, subchs. VII and VIII of ch. PSC 165 shall apply only to telecommunications utilities unless application to a provider that is not a telecommunications utility is imposed by commission order or the provider's certificate.

(c) Nothing herein shall preclude special and individual consideration being given to exceptional or unusual situations and upon investigation of the facts and circumstances therein involved, the adoption of requirements as to individual telecommunications providers or services which shall be lesser, greater, other, or different than those provided in these rules and regulations.

(d) A provider may be granted an effective date later than the effective date of this rule...[revisor inserts date] if it shows exceptional or unusual circumstances that support the granting of such a delay.

(3) **ENFORCEMENT.** The manner of enforcing the rules in ch. PSC 165 is prescribed in s. 196.66, Stats., and such other means as provided in statutory sections administered by the public service commission.

(4) **EMERGENCY ACTION.** In case of emergency, where public interest requires immediate action without waiting for compliance with the specific terms of these rules, the rules shall not prevent immediate corrective action by the utility, which action, however, shall be subject to review by the public service commission.

**PSC 165.0102 Definitions.** In this chapter:

(1) "Ability to Pay" means a customer's financial capacity to meet his or her payment obligation for telecommunications service.

(2) "Access line" means the wires, frequencies, time slots, or equivalent used to connect the customer-owned, leased or maintained telecommunications equipment at the

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\* The highlighted portions of the rule are NOT included in this rulemaking. They are included in the rulemaking on the technical provisions of PSC 165. As a result, only minor changes were made to those provisions (such as cite changes).

customer's premises with a central office switching complex. As used herein, subscriber line and subscriber loop mean access line.

(3) "Average busy season" - busy hour traffic means the average traffic volume for the busy season, busy hour.

(4) "Base rate area" means the area within an exchange in which telecommunications services are provided without mileage or zone charges.

(5) "Basic local service" means the provision of an access facility, whether by wire, cable, fiber optics or radio, and essential usage within a local calling area for the transmission of high-quality 2-way interactive switched voice or data communication. "Basic local service" includes extended community calling and extended area service. "Basic local service" does not include cable television service or services provided by a commercial mobile radio service provider.

(6) "Basic residential service" means the provision to a residential customer of an access facility, whether by wire, cable, fiber optics or radio, and essential usage within a local calling area for the transmission of high-quality 2-way interactive switched voice or data communication. "Basic residential service" includes extended community calling and extended area service. "Basic residential service" does not include cable television service or services provided by a commercial mobile radio service provider.

(7) "Busy hour" means the clock hour of the average day of the busy season during which the greatest volume of traffic is handled in the central office.

(8) "Busy season" means that period of the year during which the greatest volume of traffic is handled in the central office.

(9) "Class of service" means the various categories of services generally available to customers, such as business or residence.

(10) "Clear and conspicuous" means in a manner that would be readily apparent to a reasonable customer.

(11) "Central office" means a switching unit, in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting subscriber lines and trunks or trunks only. There may be more than one central office in a building.

(12) "Commission" has the meaning set forth in s. 196.01, Stats. means the public service commission.

(13) "Complaint" means a statement by an applicant, customer or any other affected person expressing a grievance or alleging a wrong, injury, illegal action or procedure, dangerous condition or action, or failure of a provider to meet provider obligations.

(14) "Customer or subscriber" means any a person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., provided with that currently subscribes to any telecommunications service by any telecommunications utility, and includes those persons that have been disconnected for nonpayment but that have not been terminated from service.

(15) "Customer trouble report" means any oral or written report from a subscriber customer or user of telecommunications service relating to a physical defect or to difficulty or dissatisfaction with the operation of telecommunications facilities.

(16) "Day" means calendar day, unless otherwise specified.

(17) "Deniable charge" means a charge directly associated with a customer's basic local service that, if not paid, may result in denial of service by the disconnection of a customer's basic local service .

**Note:** Also see sub. (29) for the definition of non-deniable charge.

(18) "Disconnection" means a direct action by a provider that results in a customer no longer having access to a dial tone.

(19) "Dispute" means a disagreement between a provider and an applicant or customer regarding telecommunications service.

(20) "Eligible telecommunications carrier" or "ETC" means a provider so designated under ch. PSC 160 or 47 USC 214(e), or both.

(21) "Exchange" means a unit established by a telecommunications utility for the administration of telecommunications service in a specified area which usually embraces a city, town, or village and its environs. It consists of one or more central offices, remote switching units, or pair gain devices or both together with associated plant used in furnishing telecommunications service in that area.

(22) "Grade of service" means:

(a) The type of service furnished with respect to the number of customers receiving telecommunications services from an individual central office access line office line. (1-party, 2-party, and 4-party).

(b) A measurement of the busy hour traffic capacity of a trunk group stated in terms of the ratio of the number of calls encountering an all-trunk-busy condition to the total number of calls presented to the group during the busy hour. (e.g., A grade of service of P=.03 means that 3% of the busy hour calls presented to the group encountered an all-trunk-busy condition.)

(23) "Held application" means a firm ~~but unfilled~~ application for new service or different class or grade of service which ~~has is not been~~ filled within 30 days.

(24) "Incumbent local exchange carrier" or "ILEC" means a provider, and its successors and assigns, authorized under law or by the commission before September 1, 1994, to place facilities and provide basic local service in a particular geographic area.

(25) "Issue" or "issuing" or "issuance" means mailing, sending by a courier or delivery service, delivering in person, transmitting a copy by facsimile machine, e-mailing or, in the case of commission staff determinations, informing by telephone.

(26) "Line fill" means the number of customers served on an access line such as 1-party, 2-party, or 4-party.

(27) "Network interface device (n.i.d.)" means a device that provides a discernible point of demarcation and interconnection between customer-provided facilities and the telecommunications ~~utility~~ network.

(28) "New customer" means a service applicant that is not currently a customer.

(29) "Non-deniable charge" means a charge that, if not paid, may not result in denial of service by the disconnection of a customer's basic local service. "Non-deniable charge" includes but is not limited to the charge for telecommunications equipment, third-party billings including toll, and services such as call waiting, caller ID, and 3-way calling.

(30) "Occupant" means any resident of a premises to which telecommunications service is provided.

(31) "Outside plant" means the telecommunications equipment and facilities installed on, along, over, or under streets, alleys, highways, or on private rights-of-ways between the central office and customer locations or between central offices.

(32) "Prompt payment" means payment prior to the time when a provider could issue a notice of disconnection for nonpayment of an amount not in dispute.

(33) "Protective service emergency" means a threat to the health or safety of an occupant because of a mental or physical infirmity or frailty.

(34) "Provider":

(a)1. Means any telecommunications provider, except a commercial mobile radio service provider or a telecommunications carrier, that offers basic residential service, business lines or trunks, intrastate toll, or any combination thereof.

2. Means any telecommunications carrier that offers basic local exchange service on a resale basis, business lines, business trunks, or any combination thereof. Such a carrier is a provider only as to that portion of its business.

(b) Includes any cable television service provider as to the intrastate telecommunications service portion of its business.

(35) "Regrade" means an application for a different, usually better, grade of service.

(36) "Restricted service" means access to telecommunications services, or billing by third parties, or both, that has been limited by applying blocks, restrictions, or limits.

(37) "Service line" means those facilities owned and maintained by a customer or group of customers that constitute a public utility whose lines are connected with the facilities of another telecommunications utility for telecommunications service. Service line is also sometimes referred to as "SWITCHED LINE," or roadway company, or farmer line.

(38) "Small business" means a business with no more than three access lines.

(39) "Telecommunications provider" has the meaning set forth in s. 196.01(8p), Stats.

(40) "Telecommunications service" has the meaning set forth in s. 196.01(9m), Stats.

(41) "Telecommunications utility" has the meaning set forth in s. 196.01(10), Stats.

(42) "Termination of service" means the closing of a customer's account which makes the facilities assigned to the customer available for reuse.

(43) "Toll connecting trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.

(44) "Toll" means any call beyond the local calling area. "Toll" does not include extended community calling and any extended area service.

(45) "Written" or "in writing" means legibly printed on paper or another tangible non-electronic medium, or, with the intended recipient's permission, legibly printed in an electronic form that the recipient can electronically retrieve, store, and print for future reference. Permission for electronic delivery to telecommunications providers of commission documents and communications is deemed granted.

## **Subchapter II - Reporting, Records and Schedules**

**PSC 165.0201 Preservation of records.** (1) The following records shall be preserved and kept accessible to the commission for at least the periods indicated. The list may not be a comprehensive list of all types of records that must be kept.

<u>Description of Records</u>	<u>Minimum Period to be Retained</u>
<u>Business office answer speed</u>	<u>3 years</u>
<u>Billing</u>	<u>3 years</u>
<u>Customer complaints</u>	<u>3 years</u>
<u>Customer deposit balance</u>	<u>3 years</u>
<u>Customer trouble reports</u>	<u>3 years</u>
<u>Directory assistance call details pursuant to 165.0302(2)</u>	<u>90 days</u>
<u>Disconnection contacts and contact attempts</u>	<u>90 days after proposed disconnection date</u>
<u>Extended community calling details pursuant to 165.0401(8)</u>	<u>90 days</u>
<u>Toll call details pursuant to 165.0401(10)(b)</u>	<u>60 days</u>

(2) The following records, in addition to those in sub. (1), shall be preserved by telecommunications utilities and shall be kept accessible to the commission for at least the periods indicated. The list may not be a comprehensive list of all types of records that must be kept.

<u>Description of Records</u>	<u>Minimum Period to be Retained</u>
<u>Billing recording equipment malfunctions under 165.0210</u>	<u>2 years</u>
<u>Malfunctions associated with incorrect ticketing information under PSC 165.0209</u>	<u>2 years</u>
<u>Utility accident records under PSC 165.0205</u>	<u>3 years</u>

(3) The records necessary to provide the information required under s. PSC 165.0302(10) shall be preserved and kept accessible to the commission.

**Note:** Providers may wish or need to retain records longer due to proof requirements in court cases or for use in the event of investigations or complaints under other provisions, such as ATCP 123.02.

**PSC 165.0202 Customer complaints.** (1) COMPLAINT INVESTIGATION. Each telecommunications utility provider shall make a full and prompt investigation of all types of complaints made by its customers, either directly to it or through the commission. A record shall be kept of all pertinent facts related to the complaint.

(2) AVAILABILITY OF RECORDS. Each provider shall maintain its complaint records for a period of at least 3 years and shall make its complaint records available to the commission upon request.

**PSC 165.0203 Schedules to be filed with the commission.** The provisions of the schedules of rates and rules filed with the commission and comprising the filed tariff of the utility shall be definite and so worded as to minimize ambiguity or the possibility of misinterpretation, and shall include, together with such other information as may be deemed pertinent, the following:

(1) A list of the exchanges and a tabulation of the rates and charges for local exchange service at those exchanges.

(2) A map of each exchange showing the various rate areas. (Base rate, locality, zone and rural areas.)

(3) A tabulation of the extended-area service furnished.

(4) Definitions of classes of service.

(5) Rules for extending service to new customers indicating what portion of the line extension or the cost thereof will be furnished by the utility.

(6) Rules governing the establishment or re-establishment of service including credit requirements. (See ~~s. ss.~~ PSC 165.052 165.0501 and 165.0503.)

(7) Rules governing the procedure followed in disconnecting and reconnecting service. (See ~~s. ss.~~ PSC 165.051 165.0402 and 165.0403.)

(8) Rules governing foreign exchange service (where offered) and other service offerings together with the corresponding rates and charges.

(9) Rules governing the billing procedures and payment requirements. (A sample bill form should be submitted.)

**PSC 165.0204 Exchange area boundaries.** Each telecommunications utility shall file exchange area boundary maps in compliance with ch. PSC 166.

**PSC 165.0205 Utility accidents and interruptions.** Each telecommunications utility shall observe the requirements of ch. PSC 104, with respect to recording and reporting utility accidents and interruptions.

**PSC 165.0206 Customer trouble report records.** Each ~~telecommunications utility provider~~ shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, the action taken to clear trouble or satisfy the complaint, the date and time of trouble clearance or other disposition and identification of the employee making final disposition. This record shall be available to the commission or its authorized representatives upon request at any time within the period prescribed in s. PSC 165.0201(1) for retention of such records.

**PSC 165.0207 Meter reading records.** When meters are used in connection with telephone service the meter reading records from which the customers' bills are prepared shall show:

(1) Identifying number or means to determine readily the customer's name, address, and service classification.

(2) Meter readings.

(3) Date of meter reading.

(4) Multiplier or constant, if used.

**PSC 165.0208 Held applications.** Each telecommunications utility shall keep a record of held applications by exchanges showing the name and address of each applicant for service, the date of application, date service desired, the class and grade of service applied for, together with the reason for the inability to provide the new service or higher grade of service to the applicant. Utilities shall furnish reports to the commission upon request, by exchange or district, showing held applications, by monthly age groupings.

**PSC 165.0209 Test records.** A record of malfunctions associated with incorrect ticketing information shall be maintained for 2 years. Such record shall include date and time of outage, number of messages completed calls lost, estimated dollar value lost, and explanation of problem including an identification of the piece of equipment that failed.

**PSC 165.0210 Billing recording equipment malfunctions.** Where a utility uses mechanical or electronic means, or both, for recording information that will affect a customer's bill for local or toll service, or both, the utility shall keep records of malfunctions of such equipment. The retention period for such records shall be 2 years.

### **Subchapter III - Customer Service and Protection**

**PSC 165.0301 Application for residential service.** (1) A provider may require that all new customers make a verbal or written application for service. Application may be made by telephone, in writing or in person.

**Note:** Under s. PSC 160.06(3), with each order for initial or moved residential service, local exchange service providers are required to inquire of a customer or applicant regarding his or her eligibility for low-income programs.

(2)(a) When taking an application, the provider shall only require the applicant to provide one or more of the following:

1. Name of the customer.

2. Address of residence immediately prior to application.

3. Address where service is to be provided.

4. Mailing address if different from service address.

5. Previous telephone number, if applicable.

6. Name and address of person who will pay the bill, if different from the customer.

7. If the provider is neither an incumbent local exchange carrier (ILEC) nor an eligible telecommunications carrier (ETC), information necessary to determine creditworthiness.

8. Proof of identity as follows:.



a. Any one of the following items shall constitute adequate verification of identity, although a provider may accept other forms of verification: Current driver's license or other photo identification card issued by a governmental entity, current U.S. military card, or current passport.

b. Any two of the following items shall constitute adequate verification of identity, although a provider may accept other forms of verification: social security card, birth certificate, or letter of identification from a social service agency or employer.

(b) Notwithstanding par. (a), a provider may require verification of residency of an applicant for residential service at a premises where a bill from that provider for service provided within the previous 24 months remains unpaid. Any one of the following items shall constitute adequate verification of residency, although a provider may accept other forms of verification: utility bills, rental agreements, documents indicating home purchase, or verification of address provided by a social service agency.

(c) The provider may request additional information from applicants as part of its application for service. If additional information other than that under par. (b) is requested, the provider shall indicate to the applicant that providing such information is optional. Each provider shall have a written, non-discriminatory policy for requesting the application information allowed under this paragraph, and shall furnish the policy to applicants upon request.

(d) No provider may disconnect or refuse service because of a failure to provide any information other than that specified in pars. (a) and (b).

(3) If an ILEC's or ETC's records indicate that an applicant may have an outstanding bill with the provider, then the provider may not refuse service but may restrict an applicant's toll or extended community calling service, or both, for up to 10 days to investigate and establish the applicant's responsibility for an outstanding bill. The provider shall remove the restrictions after 10 days if it is not able to clearly establish the applicant's responsibility for an outstanding bill.

Note: If an applicant for residential service is responsible for an outstanding bill, the provider must offer the applicant a deferred payment agreement under PSC s. 165.0404(2).

(4) The provider may accept third party applications for service. The provider shall send bills and written confirmation of approval of the service application to the party responsible for bill payment.

(5) If an application for residential service is accepted, the provider shall allow the customer to pay any installation charge in installments, upon customer request.

(6) If an applicant requests transfer of the telephone number assigned to the previous customer at the premises, the applicant may not be held responsible for any delinquent account of that previous customer.

Note: But see ss. PSC 165.0501(1)(b) and 165.0503(2)(b) regarding responsibility if the previous customer continues to be an occupant of the premises.

(7) If an application for service is denied under this section, the provider shall advise the applicant of the reason for the denial. The provider shall also inform the

applicant that the applicant can dispute the matter through the commission, and shall provide the commission's toll-free telephone number if contact information is requested.

**PSC 165.0302 Information available to customers.** (1) A provider shall provide public access to a copy of ch. PSC 165, and a schedule of all rates and service charges and any rules, terms, and conditions that apply to those rates and service charges.

(2) All applicants, upon applying for new telecommunications service, shall as at a minimum, be informed by the utility as herein described provider of the following items, in this order and at the beginning of the sales script:

(a) A description of the ways basic local service is made available by the provider for the class of service requested.

**Note:** Basic local service may be furnished differently by different providers. Some may provide it separately, some may provide it as part of one or more packages, and some may provide it both ways.

(b) The lowest basic monthly rate for the class of service requested, and the range of basic monthly rates including any call allowance and charge for additional usage associated with such service. The monthly rates quoted may not include any additional, optional service features. This paragraph does not apply if the provider only offers basic local service as part of a package.

(c) The range of monthly rates for service packages that include basic local service, including any call allowance and charge for additional usage associated with such service. Descriptions of service packages must include the additional optional services, any call allowances and the charges for additional usage associated with each service. This paragraph does not apply if the provider never provides basic local service as part of a package.

(d) All recurring and nonrecurring charges, fees and taxes applicable to services ordered.

(e) That intralata and interlata toll services are available and may be obtained from a number of different providers.

(3) A detailed summary of the applicant's service order shall be provided to the applicant in writing as confirmation of the order.

(4) Rate information for ~~additional~~ other available services ~~offered by the utility~~ shall be available upon request and features shall be provided to applicants and customers upon request.

(5) ~~The utilities shall make~~ The provider may give information about customer premises equipment and non-regulated repair services that it offers, provided that it makes a general statement that customer premises equipment and nonregulated repair services is are available and may be obtained from a number of ~~competitive~~ different providers and need not be obtained from the utility.

(6)(a) No provider may furnish or bill for any individual service or feature in addition to basic monthly service, or for any package it offers, unless all of the following have been met:

1. The provider has informed the customer that such service, feature or package is optional in nature and, where applicable, is available as an individual service or feature, separate from service packages.

2. As applicable, the provider has informed the customer of the charge for the package or the individual service or feature, or both, if such information is requested.

3. The customer has authorized the service, feature, or package.

(b) This subsection does not apply to providers that meet both of the following:

1. The provider only offers packages that include both basic local service and features.

2. The provider does not sell any individual service or function other than as part of a package.

(7)(a) Each provider shall furnish instructions to all new residential and business customers, and annually to its existing residential and business customers, on how to electronically access and how to obtain a printed copy of the items in subds. 1. to 9. at no cost. The instructions may be provided on customer bills, as a bill insert, or in the telephone directory that the provider uses to fulfill its obligations under s. PSC 165.0304.

1. A copy of ch. PSC 165.

2. All rates and service charges that apply to the customer's service or usage, and any rules, terms and conditions that apply to the customer's service or usage.

**Note:** One way to provide access to the above is to provide a list of all charges and their related rules, terms and conditions so that the customer can look up the information concerning his or her service or usage.

3. Definitions of all charges, fees and taxes appearing on the billing statement.

4. An explanation of extended area service and extended community calling, and information on how a list of extended area service and extended community calling exchanges can be obtained.

5. An accurate description of any available payment methods and locations for in-person payments.

6. An accurate description of how to set up a deferred payment agreement.

7. An accurate description of its disconnection and dispute procedures.

8. An accurate description of the service restrictions available to customers, and the limitations of those restrictions.

9. A copy of the provider's non-discriminatory policies regarding voluntary and involuntary service restrictions, deposits, and requesting supplemental application information.

(b) Each provider shall also furnish instructions to all new residential customers, and annually to its existing residential customers, on how to electronically access and how to obtain a printed copy of the items in subds. 1. and 2. at no cost. The instructions may be provided on customer bills, as a bill insert, or in the telephone directory that the provider uses to fulfill its obligations under s. PSC 165.0304.

1. Information regarding the availability of universal service programs, including program benefits, eligibility requirements and application procedures.

2. Information regarding its customer assistance program as implemented under s. PSC 160.08 or PSC 165.0305, or both.

(c) A reasonable fee may be charged to provide copies of the information in pars. (a) and (b) to persons who are neither customers nor applicants for service and for copies provided in response to requests by customers for additional copies.

(8) Provide, upon request and at no cost to a customer, detailed information concerning the directory assistance portion of the customer's bill, such as the date on which the number was requested and the telephone number that was requested.

**Note:** See PSC 165.0201 for how long a provider must retain directory assistance records.

(9) Provide, upon request when toll is not billed on a usage sensitive basis, detailed information found in s. PSC 165.0401(10) concerning toll calls. If a customer requests particular information in writing and later asks for that same information in writing, or if a customer requests toll detail information more than 3 times in any 12-month period, the provider may charge a reasonable fee to provide the additional set of requested information.

**Note:** See PSC 165.0201 for how long a provider must retain toll call detail records.

(10) A provider shall give customers, on request, information regarding the customer's account activity and balances for any period during the last 12 months. This information shall be provided in writing if the customer so requests. If a customer requests particular information in writing and later asks for that same information in writing, the provider may charge a reasonable fee to provide the second set of requested information.

**PSC 165.0303 Dispute procedures.** (1) Whenever the a customer or applicant makes an inquiry that indicates dissatisfaction or disagreement about, or notifies a provider that the customer or applicant disputes the utility's a request for a deposit or other guarantee deposit alternative, or advises the utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, any matter related to the disconnection or refusal of telecommunications service, or that any other matter related to the disconnection or refusal of service is in dispute customer's telecommunications service, the utility provider shall:

- (a) Investigate the dispute or inquiry promptly and completely.
- (b) Regularly advise the customer or applicant of the status of the investigation.
- (c) Advise Promptly advise the customer or applicant of the results of the investigation.
- (d) Attempt to resolve the dispute or answer the inquiry.
- (e) Provide When applicable, provide the opportunity for the customer or applicant to make reasonable payment arrangements or enter into a deferred payment agreement under s. PSC 165.0404 when applicable in order to settle the dispute.

(2) Where a provider designates an agent to handle disputes, inquiries or collections, the resolution responsibility imposed under sub. (1) reverts to the provider if the agent fails to adequately address the dispute or inquiry.

(3) Where payments for telecommunications service are made electronically or through vendors, credit cards, or other third parties, the resolution responsibility imposed under sub. (1) rests with the provider of that telecommunications service.

(4)(a) If the provider has not resolved the dispute or answered the inquiry to the customer's or applicant's satisfaction within a reasonable period of time, the provider

shall inform the customer or applicant of the right to request review by commission staff and, if contact information is requested, shall furnish the commission's toll-free number.

(b) The provider shall designate employees for responding to commission complaints or inquiries who are readily available and have appropriate and sufficient authority to investigate and resolve concerns raised by the commission and its staff. Providers shall promptly inform the commission of any changes in the designations of employees with primary responsibility for complaint resolution and commission contact.

(5) If a provider is notified that a customer or applicant has complained to the commission, and when necessary to resolve the complaint or when requested by commission staff, a provider shall contact the complainant within 48 hours, or 4 hours in the case of an emergency. A provider shall give a response to the claimant and the commission within 10 business days unless an extension is granted by commission staff.

(6)(a) Based on the information furnished by the provider and the complainant, commission staff shall make a determination concerning a dispute and issue notice of the determination to both parties by telephone. Either party to the dispute may request and receive the commission staff determination and justification in writing.

(b) The provider may not disconnect service because of a disputed matter until after the later of:

1. The end of the notice period under s. PSC 165.0503(5)(a).

2. Six business days after the date the commission staff issues notice of the determination resulting from its review.

(7)(a) ~~Any~~ After commission staff review, any party to the dispute ~~after informal review~~ may make a written request for a ~~formal~~ review by the commission. ~~Such request must be made~~ To avoid disconnection pending such a review, the commission must receive the request for review within 5 business days of the date the commission staff telephones or mails written notice of terms of settlement after informal review. If written confirmation of the staff telephone notice is requested and mailed, the 5 day period begins from the date of that mailing after issuance of the commission staff's determination. All other requests for commission review shall be made within 30 days after issuance of the commission staff's determination. The request shall be made in writing and shall specify the nature of the dispute and the basis for the request. Commission staff shall notify the other party to the dispute that a request for commission review has been filed.

(b) Commission staff shall prepare a memorandum based on the information it has received from the provider and the complainant. A copy of the commission staff's memorandum shall be issued to the parties to the dispute. Parties shall be given at least 10 days to file a response to the commission staff's memorandum. Any party may request, and commission staff may grant, an extension of the response deadline. The commission's determination shall be based on a review of the commission staff's memorandum and any responses filed by the parties to the dispute. The commission may affirm the staff determination, overturn the staff determination and issue a new order, or open a formal investigation for the gathering of additional evidence. For disputes involving disconnections, unless the commission opens a formal investigation it shall issue a written determination not more than 45 days from the time that a request for commission review is filed. If the parties' deadline for responding to the commission

staff's memorandum is extended, the deadline for the commission's determination shall be 45 days plus the length of the extension.

(8) Either party to the complaint may request that the commission reconsider its determination under this section. All such requests shall be governed by s. 227.49, Stats., including provisions on filing deadlines, disposition deadlines, and allowable bases for granting reconsideration. Such requests shall be filed with the commission within 20 days of the issuance of the commission's determination. The commission may review and reaffirm its original decision, issue a new decision, or decide to hold a hearing on the matter for the gathering of additional information.

(9)(a) ~~Utility service shall~~ Service may not be disconnected or refused because of any disputed matter while the disputed matter is being pursued in accordance with the provisions of this section. In no way does this relieve the customer from obligation of paying charges which that are not disputed. The provider shall inform the complainant that pursuing a disputed matter does not relieve the complainant of the obligation to pay charges that are not in dispute, or prevent disconnection of service for nonpayment of undisputed charges.

(b) Upon consideration of the facts and circumstances involved, commission staff may waive the par. (a) no disconnect and no refusal requirement under exceptional or unusual circumstances.

**PSC 165.0304 Directories.** (1)(a) ~~Exchange~~ A provider shall furnish an exchange alphabetical telephone directories directory shall be made available to each customers local service customer without charge for each local switched access line service. Additional exchange alphabetical telephone directories shall be made available to customers for each additional local access line. Where available as an alternative, at the customer's option the directory may be provided to the customer in an electronic format.

(b) The listings of customers in foreign exchanges to which extended-area service is provided shall also be made available without charge to all local customers. Where such listings are not actually furnished to all customers, the utility provider shall ensure their availability and state in the directory how such listings may be obtained without charge.

(c) ~~Inclusion of~~ Including all listings for the exchanges identified pursuant to sub. (3) is required, except for numbers that are non-listed or non-published. Publishing all listings for the calling area within in a single volume is recommended.

(d) Advertisement listings are included in directories at the discretion and under the direction of a provider.

(2) ~~Directories~~ The directory shall be revised at least annually. Exemptions from this requirement may be allowed in special cases, such as a dial conversion directory, when changed listings and new listings are not sufficient in number to cause serious inconvenience, or when the annual publication date is being changed. A shorter directory interval may be necessary where the number of changed listings and new listings is abnormally large.

(3) The name of the utility provider, ~~exchange covered by the~~ directory coverage area, month and year issued, and the area code shall appear prominently on the front cover. If the directory serves more than one exchange, such exchanges shall be listed on the cover, or, for metropolitan areas, in the information pages in the front of the directory.

~~(4)(a) Each directory shall prominently include all of the following: contain the warning to party line subscribers as required by s. 941.35, Stats., a warning that placing nuisance calls is prohibited by law (s. 947.01, Stats.), a list of common governmental emergency numbers, a list of extended area service points, and the repair service number, all prominently shown, and pertinent instructions concerning the use of local, extended area, and toll service. The emergency numbers shall appear either on the inner or outer face of the front cover.~~

1. A warning that placing nuisance calls is prohibited by law (s. 947.012, Stats.)

2. A list of common emergency numbers.

3. Information on how a list of local calling areas can be obtained.

4. For every exchange in which a provider serves, the repair service number that can be called at no charge to report a service problem.

5. Instructions concerning the use of local, extended-area, extended community calling and toll service.

(b) The list of emergency numbers shall appear either on the inner or outer face of the front cover, or on the first page inside the front cover.

(5) Each directory distributed to customers in exchanges with single-party revertive calling capability shall include instructions as to the use of that revertive calling capability. Directories covering numerous exchanges or wire centers with different dialing instructions for use of single-party revertive calling capability, may direct customers to call the ~~utility~~ provider for such instructions in lieu of including the instructions.

(6) A copy of each new directory shall be filed with the ~~public service~~ commission.

(7) A provider may fulfill the requirements under subs. (1) to (6) by compiling the required information concerning itself and its customers accurately and having a third party entity include that information in an appropriate directory that meets the requirements under subs. (1) to (6). Providers that use the services of third party entities for publication of directories shall ensure that the requirements of this section are met with respect to directories published on their behalf by such third parties.

(8) If the listed number of any customer is in error and is not assigned to another customer, the provider shall intercept all calls to the listed number, so long as the customer's correct number is within the control of the provider, until a correct directory listing is published. If there is an error or omission in a customer's listing, the customer's provider shall correct its own database and take the action necessary to cause the correction to be made to all directory assistance listing databases.

**PSC 165.0305 Telecommunications assistance programs.** (1) Where the commission has identified a specific target population, providers shall establish telecommunications customer assistance programs within their service territories. The goals and objectives of the programs shall be to increase or stabilize subscription levels for non-optional essential telephone service, or to address avoidance of disconnection of service to low-income households or other customers with payment problems, or both.

(2) Each provider shall develop and file with the commission a description of its program. The description shall be updated as necessary and shall include:

(a) A description of the program's services and features.

- (b) A description of program eligibility.
- (c) A description of program evaluation procedures.
- (d) Policies and procedures for identifying customers who qualify for Lifeline or Link-Up America assistance and for aiding them in applying for assistance.

**PSC 165.0306 Oppressive and deceptive practices prohibited.** (1) A provider shall not engage in oppressive or deceptive practices.

(2) "Oppressive or deceptive practices" include, but are not limited to, the following:

- (a) Using or threatening to use force or violence to cause physical harm to the person, relatives, or property of the customer.
- (b) Threatening legal action or referral for criminal prosecution without merit or authority.
- (c) Initiating or threatening to initiate communications with the customer's employer except as permitted by law.
- (d) Engaging in any conduct that can reasonably be expected to harass a customer.
- (e) Threatening a customer with actions not allowed under the law.
- (f) Claiming or attempting to claim to enforce a right, when the provider knew or should have known that the right does not exist.
- (g) Using obscene, threatening, or abusive language in communicating with a customer or a person related to a customer.
- (h) Unfairly taking advantage of the lack of knowledge, ability, experience or capacity of a customer, when the provider knew or should have known that the customer lacked such.
- (i) Engaging in an action that would have the natural effect of reasonably causing or aid in causing customers to misunderstand the true nature of the transaction or their rights and duties thereunder.
- (j) Offering a residential or small business retail service agreement or contract that requires customers to waive legal rights.

(3) This section does not preempt and is in addition to applicable provisions of ch. 100, Stats., and related administrative rules.

#### **Subchapter IV - Billing and Payment**

**PSC 165.0401 Customer billing.** (1) DEFINITIONS. For purposes of this section, "third party" means a person that is billing for goods or services, or both, using a telephone bill, but does not include the provider directly furnishing the telephone bill.

(2) BILLING INTERVAL. Telephone bills shall be provided in writing on a monthly basis, or at a less frequent interval with the customer's approval if available and offered by the provider.

(3) INFORMATION INCLUDED ON BILLS. Bills to customers shall contain, at a minimum, the information included in subs. (3) to (10) and shall be provided at no cost. Charges may not be imposed for additional bill detail provided in the event of a dispute. Bills shall include:



(a) The customer's name, address, and telephone number to which the charges apply.

(b) Basic local service charges, or package or flat rate charges if applicable.

(c) The number of completed local calls made, unless unlimited local calling is provided at a flat rate.

(d) Itemized optional calling features and calling packages, and their corresponding prices. If the features or packages are offered at a flat rate or as part of a package, then no individualized price need be included, but the features or packages, or both, must be itemized.

(e) Itemized nonutility services and equipment such as: voice mail, customer premises equipment and customer premises wiring maintenance.

(f) Federal and state taxes.

(g) Other charges allowed or required to be listed separately by law, the commission or the federal communications commission, such as 911, primary interexchange carrier charges and other similar charges.

(4) BILL ORGANIZATION. Telephone bills shall be clearly organized and shall comply with all of the following requirements:

(a) The name of the provider associated with each charge shall be clearly identified on the telephone bill.

(b) Where charges for 2 or more providers appear on the same telephone bill, the charges shall be separated by provider.

(c) The bill shall provide clear and conspicuous notification of any change in pre-subscribed provider, including notification that a new pre-subscribed provider has begun providing service. The notification should indicate whether the new provider is the presubscribed intralata or interlata toll provider.

(5) DESCRIPTIONS OF BILLED CHARGES. Charges contained on telephone bills shall be accompanied by a brief, clear and conspicuous, unambiguous, plain language description of the service or product provided, so that the customer can determine that the bill accurately reflects that which the customer requested and received, and that the prices assessed for those services or products conform to the customer's understanding of the prices to be charged.

(6) DENIABLE AND NON-DENIABLE CHARGES. Where a bill contains charges for basic local service, in addition to other charges, the bill shall distinguish between deniable charges and non-deniable charges. The provider shall explain this distinction to the customer.

**Note:** Providers have some flexibility in how they meet this requirement. For example, every charge need not be labeled as either deniable or non-deniable. Simply listing the total of deniable charges with an explanation of the distinction between deniable and non-deniable charges will suffice.

(7) DISCLOSURE OF INFORMATION AND CONTACTS. (a) Telephone bills shall contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or dispute, charges on the bill. Providers shall prominently display on each bill a toll-free number by which customers may inquire about or dispute any charge contained on the bill. Each provider shall make its business address available upon request to customers through its toll-free number.

(b) A provider may list a toll-free number for a billing agent, clearinghouse or other entity, provided that such entity possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve customer complaints on the provider's behalf. The billing agent, clearinghouse or other entity shall make its business address available upon request to customers through its toll-free number.

(8) EXTENDED COMMUNITY CALLING. For extended community calling, bills may include the telephone number that was called, the duration of the call, the dollar amount of the call, the month and date on which the call was placed, and the time of day the call was placed. If such detail is not provided on the bill, the provider shall retain such information for at least 90 days and shall provide it to a customer, at no cost, upon request.

(9) DIRECTORY ASSISTANCE CALLS. For directory assistance calls, bills shall include the number of calls made and the charge.

Note: More detailed information must be made available upon request. See PSC 165.0302(8).

(10) TOLL BILLINGS. (a) If toll is billed on a usage sensitive basis, toll bills shall be provided on a timely basis and shall contain, at a minimum, all of the following information:

1. The name of the ~~carrier over which the call was placed~~ toll provider.
2. The type of ~~long-distance~~ toll call. This information ~~will~~ shall specify whether the call is operator-assisted, direct-dialed, third-number billed, ~~credit~~ calling card, collect, or any other type.
3. The class of ~~long-distance~~ toll call. This information will specify whether the call is person-to-person or station-to-station.
4. The telephone number that was called.
5. The ~~exchange~~ telephone number from which the call originated for ~~credit~~ calling card, enterprise, third number, and collect calls only.
6. The duration of the call in billable ~~minutes~~ time increments. If the billable time increments are other than minutes, the duration of the call, measured in minutes, shall also be provided.
7. The dollar amount of the call.
8. The month and date on which the call was placed.
9. The time of day at which the call was placed.

(b) If toll is not billed on a usage sensitive basis, the information in par. (a) shall be made available upon request.

Note: Also see ss. PSC 165.0302 and 165.0201 for details concerning provision of this information and how long toll call detail records must be kept when toll is not billed on a usage sensitive basis.

(11) BILLING DETAIL. Customers shall be offered billing in accordance with subs. (3) to (10), but may request and, notwithstanding subs. (3) to (10), may receive a less detailed listing of charges if such an option is offered by the provider.

(12) PARTIAL PAYMENTS. Except as provided in s. PSC 165.0404(8)(c), any partial payments received shall first be applied to the customer's deniable charges with

the remaining portion applied to the customer's non-deniable charges. This subsection does not apply when a provider has an individual contract for telecommunications service with a business customer.

(13) LATE PAYMENT CHARGES. A provider may assess a late payment charge on a bill for residential or business service. If assessed, such charges shall comply with the following requirements:

(a) The amount of the late payment charge may not exceed 1% of the bill.

(b) The late payment charge may be applied to non-disputed delinquent amounts, including unpaid late payment charges. It may not be applied to the unpaid portion of an amount covered by an installment payment agreement, if payments are being made in accordance with that agreement.

(c) If a customer disputes a bill and does not pay the disputed bill in full by its due date, the late payment charge may be applied only to that portion of the disputed bill that is later found to be correct and payable to the provider, and that is not part of a deferred payment agreement.

(14) REMOVAL OF DISPUTED CHARGES. A provider shall remove from its bill the charges from a third-party that is not a provider, and may not reinstate the charges, if a customer disputes the charges by contacting the provider within 60 days of the billing of the disputed charge. The provider shall advise the customer that collection efforts may occur despite the credit and shall provide the name and business telephone number of the third-party that is the subject of the disputed charge if contact information is requested.

**PSC 165.0402 Billing adjustments for service outages, service delays and missed appointments. (1) APPLICABILITY.** (a) This section does not apply when a provider has an individual contract for telecommunications service with a business customer.

(b) If a provider is a party to an interconnection agreement that includes provisions that address situations such as those in par. (2)(f) and subd. (4)(a)2., the provisions of the interconnection agreement, rather than the applicable provisions of this section, apply to the parties to the agreement.

(2) OUT-OF-SERVICE ADJUSTMENTS. (a) Except as provided in sub. (5), when a customer's basic local service is interrupted and remains out of service for more than 24 consecutive hours after being reported to the provider or after being found by the provider to be out of service, whichever occurs first, the provider shall make an adjustment to the customer's account in accordance with par. (b). Computation of such adjustments shall apply to all charges for basic and regulated optional local services, or all services included in a service package, rendered inoperative during the interruption. The length of such service interruption shall be computed on a continuous basis, with Saturdays, Sundays, and holidays included.

(b) If a service interruption exceeds 24 hours but is less than 48 hours, the adjustment shall be at least the pro-rata portion of the monthly charge for any basic and regulated optional local services rendered inoperative during the interruption, or for such services included in a service package, whichever is applicable. Adjustments for interruptions lasting 48 hours or more shall be tiered as follows:

1. If a service interruption equals or exceeds 48 hours but is less than 72 hours, the adjustment shall be at least one-third of one month's charges for any basic and

regulated optional local services rendered inoperative during the interruption, or for such services included in a service package, whichever is applicable.

2. If a service interruption equals or exceeds 72 hours but is less than 96 hours, the adjustment shall be at least two-thirds of one month's charges for any basic and regulated optional local services rendered inoperative during the interruption, or for such services included in a service package, whichever is applicable.

3. If a service interruption equals or exceeds 96 hours but is less than 120 hours, the adjustment shall be at least one month's charges for any basic and regulated optional local services rendered inoperative during the interruption, or for such services included in a service package, whichever is applicable.

4. If a service interruption equals or exceeds 120 hours, the adjustment shall include both of the following:

a. At least one month's charges for any basic and regulated optional local services rendered inoperative during the interruption, or for such services included in a service package, whichever is applicable.

b. At least \$5.00 for each 24-hour period, or portion thereof, over 119 hours.

(c) Credits under par. (b) shall stop accruing if the provider does both of the following until the provider can restore service:

1. Furnishes a wireless phone to the customer, at no charge except toll.

2. Forwards calls made to the inoperative telephone number to that wireless phone.

(d) Credits under par. (b) shall continue accruing if the continued service interruption is because a provider misses a repair appointment. In such an instance, the customer's provider shall give instructions to the customer on how to reschedule the appointment.

(e) Credits under par. (b) shall stop accruing if the continued service interruption is because of a provider's inability to safely gain access to the customer's premises, if necessary, due to the customer missing a repair appointment or the customer causing the provider to reschedule the appointment. In such an instance, the customer's provider shall give instructions to the customer on how to reschedule the appointment. The credits under par. (b) shall resume accruing if the provider misses the rescheduled appointment.

(f) If the provider responsible for making the out-of-service adjustment to a customer's bill is not the provider who bears the service obligation for facilities causing the outage, the provider that does bear that service obligation is responsible for the adjustment and must reimburse the customer's provider for the credit that provider issued or the cost that provider incurred by furnishing a wireless phone pursuant to par. (c), or both, unless the customer's provider did not promptly and properly notify the provider bearing the service obligation of the disruption in service.

(3) INSTALLATION DELAY ADJUSTMENTS. (a) This paragraph does not apply to the migration of a customer between providers, as long as the customer's dial tone is maintained. If dial tone is not maintained, the service shall be considered new or moved service.

(b) Except as provided in sub. (5), when a provider fails to install new or moved service on or before the performance deadline specified in pars. (c), (d), (e) or (f), the customer's provider shall make an adjustment to the customer's account in accordance with par. (h). The length of such installation delay shall be computed on a continuous

basis, with Saturdays, Sundays, and holidays included. "New and moved service" includes new and moved non-primary lines.

(c) If distribution facilities are in place between the feeder cable and the customer's premises, the performance deadline shall be:

1. Five business days if there is no customer requested installation date.
2. Five business days if an installation date beyond 5 business days is proposed by the provider, without first being requested by the customer.
3. The date initially requested by the customer, if at least 5 business days' notice is given and the requested date is a business day. If the requested date is not a business day, then the deadline is the first business day after the requested date.

(d) Notwithstanding par. (c), if the provider is offering basic local service using the network services or network elements of another provider, and distribution facilities are in place between the feeder cable and the customer's premises, the performance deadline shall be:

1. Three business days after the provider whose network services or network elements are being used provisions the line to the provider offering basic local service, if there is no customer requested installation date.
2. Three business days after the provider whose network services or network elements are being used provisions the line to the provider offering basic local service, if that installation date is proposed by the customer's provider without first being requested by the customer.
3. The date initially requested by the customer, if the requested date is on or after the deadline date in subd. 1., and the requested date is a business day. If the requested date is not a business day, then the deadline is the first business day after the requested date.

(e) Except as provided in par. (g), if distribution facilities are not in place between the feeder cable and the customer's premises, the performance deadline shall be:

1. Thirty business days if there is no customer requested installation date.
2. Thirty business days if an installation date beyond 30 business days is proposed by the provider, without first being requested by the customer.
3. The date initially requested by the customer, if at least 30 business days' notice is given and the requested date is a business day.

(f) Notwithstanding par. (e) and except as provided in par. (g), if a provider is offering basic local service using the network services or network elements of another provider, and if distribution facilities are not in place between the feeder cable and the customer's premises, the performance deadline shall be the earlier of:

1. Thirty-three business days.
2. Three business days after the date on which the distribution facilities are in place.

(g) The performance deadline specified in pars. (e) and (f) shall be reasonably extended if the placement of distribution facilities is not possible due to:

1. Frost, snow, or muddy conditions severe enough that required equipment cannot operate safely.
2. Lack of right of way.

(h) If the installation of a line is not completed by the end of the day following the performance deadline, the provider shall credit a customer's account at least \$10 for each

subsequent day, beginning with the second day after the performance deadline and including the day on which the installation is completed.

(i) Credits under par. (h) shall stop accruing if and when the provider furnishes a wireless phone to the customer, at no charge except toll, until the provider can perform the installation.

(j) Credits under par. (h) shall continue accruing if the delay is because a provider misses an installation appointment. In such an instance, the customer's provider shall give instructions to the customer on how to reschedule the appointment

(k) Credits under par. (h) shall stop accruing if the delay is because of a provider's inability to safely gain access to the customer's premises, if necessary, due to the customer missing an installation appointment or the customer causing the provider to reschedule the appointment. In such an instance, the customer's provider shall give instructions to the customer on how to reschedule the appointment. The credits under par. (h) shall resume accruing if the provider misses the rescheduled appointment.

(4) MISSED APPOINTMENT ADJUSTMENTS. (a)1. If it is necessary for a technician to enter the customer's premises to diagnose or complete a repair or complete an installation of a network interface device or service-drop connection, the provider shall arrange an appointment with the customer for a time period agreed to by the customer and the provider. Such appointment shall specify a 4-hour maximum period of time for the premises visit. If the technician is unable to keep the appointment, the customer's provider shall inform the customer and shall advise the customer of options to reschedule the appointment for a time agreeable to the customer. Such rescheduling of an appointment shall not relieve a provider from other requirements of this chapter, including adjustments under subs. (2) and (3).

2. If the customer's provider is offering basic local service using the network services or network elements of another provider, the provider whose technician missed the appointment is responsible for the missed appointment adjustment, either:

a. Directly, if a technician from the customer's provider missed the appointment.  
b. By reimbursing the customer's provider for the adjustment made to the customer's bill, if a technician from the provider whose network services or network elements are being used missed the appointment.

(b) If a provider misses any 4-hour appointment window without at least 12 hours prior notification, the bill adjustment for each missed appointment shall be \$25. If a provider misses any appointment that had previously been rescheduled due to provider inability to keep the appointment, regardless of notification, the credit adjustment for each missed appointment shall be \$25.

(5) ADJUSTMENT EXCEPTIONS. (a) No adjustment under subs. (2) to (4) is required if the service interruption is caused by, service restoration is prevented by, installation is delayed by, or appointment is missed because of any of the following:

1. The negligence of or a willful act by the customer.
2. Customer premises equipment or wiring not covered by a provider's optional inside wiring maintenance plan.
3. Natural disasters or other acts of God that cannot be reasonably anticipated, armed conflict, civil unrest or a declaration that the area has been quarantined, evacuated or placed under marshal law.

4. The failure of third parties to perform their obligations to the contracting provider unless the failure to perform could have been avoided by the exercise of due care by the provider. "Third party" includes all persons other than the following:

- a. An agent, employee or contractor of the provider.
- b. A provider whose network services or network elements are used by the customer's provider to furnish service, if the failure occurs while performing the obligations of a provider whose network services or network elements are being so used.

5. Damage by third parties that couldn't be foreseen or avoided by the exercise of due care by the provider. "Third party" includes all persons other than:

- a. An agent, employee or contractor of the provider.
- b. A provider whose network services or network elements are used by the customer's provider to furnish service, if the damage occurs while performing the obligations of a provider whose network services or network elements are being so used.

(b) A provider may apply an exception under par. (a), but shall inform the affected customer that the exception has been applied and shall inform the commission in writing of all of the following within 15 days of the application.

1. The customer to which the exception was applied or the area in which it was applied and the number of affected customers.

2. The date of the event that resulting in application of the exception.

3. The justification for the application of the exception.

**PSC 165.0403 Deposits. (1) DEPOSIT POLICY.** In order to request deposits, a provider shall have a written, non-discriminatory policy regarding the circumstances under which a deposit or deposit alternative will be requested. The policy shall be provided to applicants and customers upon request.

(2) EXPLANATION OF REQUIREMENT DEPOSIT. Upon applicant or customer request, a utility shall not require any customer to pay provider shall explain why a deposit or other guarantee in lieu of deposit without explaining, in writing if requested, why that deposit alternative is required and how the amount was determined. This information shall be provided in writing if the customer or applicant so requests.

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**Note:** Pursuant to s. PSC 160.062(6), a provider may not request a deposit from an applicant or customer eligible for Lifeline or Linkup America assistance if such applicant or customer voluntarily elects toll blocking.

**(3) DEPOSITS ON RESIDENTIAL ACCOUNTS.** (a) New residential accounts. A utility shall provider may not require a cash deposit or other guarantee deposit alternative as a condition of new service unless a customer an applicant has an outstanding account balance with any Wisconsin a telecommunications utility which provider and the balance both:

1. Accrued, in whole or in part, within the last 6 years, and at the time of the request for service remains outstanding and not in dispute, or,

2. Is not in dispute at the time of the application for new service.

(b) Existing residential accounts. 1. A utility shall provider may not require a an existing residential customer to furnish or increase a cash deposit or deposit alternative or

~~other guarantee~~ as a condition of continued service unless either or both of the following circumstances apply:

a. The service of the customer has been disconnected by the ~~utility provider~~ once within the last 12-months ~~period~~ for nonpayment of a delinquent ~~service~~ account not ~~currently~~ in dispute.

b. Subsequent ~~credit~~ information indicates that the initial application for service was falsified or incomplete to the extent that a deposit or deposit alternative ~~would be have been required under this section of the code~~ had the true or complete information been known.

2. When the provider requests a deposit or deposit alternative from an existing residential customer, the customer shall be given at least 30 days to pay the deposit. During this period, the provider shall continue to provide service to the customer but may restrict service pursuant to s. PSC 165.0502(3)(a)7.

3. The service of any customer who fails to provide the requested deposit or deposit alternative to ensure continued service may be disconnected upon 10 days written notice as provided in s. PSC 165.0503, unless the deposit request is in dispute.

(4) DEPOSITS ON BUSINESS ACCOUNTS. (a) Exclusion. This subsection does not apply to a business customer that has an individual contract with the provider for its telecommunications service.

(b) New Business Accounts. If the creditworthiness of an applicant for business service has not been established or is not satisfactory to the provider, the applicant may be required to provide a deposit or deposit alternative

(c) Existing business accounts. 1. A provider may not require an existing business customer to furnish or increase a deposit or deposit alternative as a condition of continued service unless one or more of the following circumstances apply:

a. Within the last 12 months, the customer has not paid a bill from the provider or made other acceptable payment arrangements by the end of the monthly billing cycle in which the bill is issued.

b. Usage indicates that the amount of the existing deposit or deposit alternative is insufficient.

2. When the provider requests a deposit or deposit alternative from an existing business customer, the customer shall be given at least 15 days to provide the deposit. During this period, the provider shall continue to provide service to the customer but may restrict service pursuant to s. PSC 165.0502(3)(a)7.

3. The service of any customer who fails to provide the requested deposit or deposit alternative to ensure continued service may be disconnected upon 10 days written notice as provided in s. PSC 165.0503, unless the deposit request is in dispute.

(5) DEPOSIT ALTERNATIVES. The provider may accept an alternative in place of a cash deposit at its own discretion if the alternative is included in the deposit policy under sub. (1). Alternatives may include, but are not limited to, any of the following:

(a) Service restriction or block of a customer's toll service, extended community calling, optional per call service, or any combination thereof.

(b) Advance payments.

(c) Guarantee.

(d) Bond.

(e) Escrow account



(6) CONDITIONS-CALCULATION OF DEPOSIT. (a) If the provider bills for local telecommunications service only, the maximum deposit for a new or existing account may not exceed the bill for 2 months' local telecommunications service. For purposes of this subsection, "local telecommunications service" means those services and options listed in s. PSC 160.03(2)(a) that have fixed monthly rates, the estimated local usage under s. PSC 160.03(2)(a)8, and optional services that are not non-utility merchandise under s. PSC 165.0803.

(b) If the utility provider bills for toll service only, the maximum deposit for a new account may not exceed the bill for 2 month's months' estimated toll charges. Deposits The maximum deposit for an existing accounts account may not exceed the highest actual toll charges for 2 consecutive months within the preceding 12 months.

(c) If the provider bills for both local and toll service, the maximum deposit may not exceed the combined charges for the applicable services listed below. Where actual amounts are not available for subd. 2. or 3., or both, estimated amounts may be used to calculate the deposit.

1. Two months' local telecommunications service.

2. The highest actual intralata toll charges for 2 months within the preceding 12 months.

3. The highest actual interlata toll charges for 2 months within the preceding 12 months.

(d) Where intralata and interlata toll services are delivered by the same provider, one deposit may be collected for both services. If only one deposit is collected pursuant to this paragraph, the provider is not required to account for interlata and intralata deposits separately.

(7) TERMS AND CONDITIONS OF DEPOSIT ALTERNATIVES. (a) The total amount of a deposit alternative may not exceed the cash deposit requirement.

(b) The terms of any deposit alternative shall expire under the same conditions that would have resulted in a deposit refund under sub. (10)(a).

(c) If a deposit alternative is withdrawn before expiration of the deposit requirement, the provider may require a deposit or another deposit alternative.

**Note:** Under s. PSC 160.062(6) a provider may not request an advance payment greater than one month's local service bill from an applicant or customer eligible for Lifeline of Linkup America assistance.

(8) INTEREST. (a) ~~Deposits shall bear interest payable~~ Interest shall accrue on deposits and applicable deposit alternatives from the date a deposit or deposit alternative is made to the date it is applied to an account balance or is refunded. The provider is not obligated to pay interest on deposits or deposit alternatives held less than 60 days.

(b) The interest rate to be paid shall be subject to change annually on a calendar year basis. The commission shall determine the rate of interest to be paid on deposits and applicable deposit alternatives held during the following calendar year and notify utilities of that rate by December 15 of each year. The rate shall be equal to the weekly average yield of one-year United States treasury securities, adjusted for constant maturity, for the week ending on or after December 1, as made available by the federal reserve board, rounded to the nearest tenth of one percent.

(c) ~~The rate of interest set by the commission shall be payable on all deposits.~~ Utilities Providers shall calculate the interest earned on each deposit or applicable deposit

alternative at the time of refund the deposit or deposit alternative is applied to the account balance or is refunded, and at the end of each calendar year. The interest rate in a calendar year shall apply to the amount of the deposit or deposit alternative, and to all interest accrued during the previous year(s)-year, for the or fraction of the calendar year that the deposit or applicable deposit alternative was held by the utility.

(9) APPLICATION OF DEPOSIT. (a) A deposit or deposit alternative may be used by the utility provider to satisfy an arrearage occurring after the deposit was made. Except as provided in sub. (6)(d), a deposit or deposit alternative may only be applied to charges for the specific service for which it was collected under sub. (6).

(b) If the utility provider deducts an arrearage from a customer deposit or deposit alternative, it may require the customer to bring the deposit or deposit alternative up to its original amount. Failure of the customer The customer's failure to do so within 20 days of mailing a written request for payment by the provider's deadline is grounds for disconnection under PSC 165.0503. The provider's deadline shall be at least 15 days after the provider's written request for payment is sent in one or more of the following ways:

1. Mailed as a bill insert.
2. Mailed separately from the customer's regular bill.
3. With the customer's permission, sent electronically.

(10) DEPOSIT REFUND. (a) A deposit or deposit alternative, and accrued interest, shall be refunded or ended, as applicable, after 12 consecutive months of prompt payment.

(b) Any Except as provided in par. (c), a deposit or deposit alternative or portion thereof refunded to a customer and any accrued interest shall be refunded by check unless both the customer and the utility provider agree to a credit on the regular billing, or unless sub. (6) applies bill.

(c) Upon termination of service, the deposit or deposit alternative, with and any accrued interest shall be credited to the final bill and the balance shall be returned refunded promptly to the customer.

(11) FAILURE TO PAY. Service may be refused or disconnected or refused for failure to pay a deposit request, subject to the rules pertaining to disconnection under PSC 165.0503 and refusal of service under PSC 165.0501.

**PSC 165.0404 Deferred payment agreement.** (1) The utility A provider is required to offer a deferred payment agreements only agreement to residential accounts customers and may offer such agreements to other customers.

**Note:** Under s. PSC 165.0102(14), "customer" includes persons that have had service disconnected for nonpayment but that have not been terminated from service.

**Note:** Under s. PSC 165.0502(3)(a)2., service restriction can be a condition of a deferred payment agreement.

(2) An ILEC or ETC is required to offer a deferred payment agreement to an applicant for new residential service who has an outstanding account with that provider. The outstanding account, and therefore the deferred payment agreement, may include toll charges from another provider if those charges originally appeared on the bill of the provider offering the deferred payment agreement.

(3) Every deferred payment agreement entered into due to the customer's inability or failure to pay the outstanding bill in full shall provide that service will not be discontinued disconnected if the customer does all of the following:

(a) Pays or has paid a reasonable amount of the outstanding bill and initial payment on the delinquent account.

(b) Agrees to pay a ~~reasonable portion~~ of the remaining outstanding balance in reasonable installments until the outstanding bill is paid in full.

(c) Remains current with at least the deniable portion of billings during the period of the deferred payment agreement.

(4) For purposes of determining reasonableness under ~~these rules~~ this section: (a) The parties shall consider the information the provider has in its records and any pertinent information the customer offers.

(b) Notwithstanding par. (a), if the customer rejects the provider's first deferred payment agreement offer, the parties shall consider all of the following:

1. ~~Size~~ Amount of the delinquent account.  
2. Customer's ability to pay based on factors such as household size, income and expenses.

3. Customer's payment history.

4. Time that the debt has been outstanding.

5. Reasons why debt has been outstanding.

6. Any other relevant factors concerning the circumstances of the customer.

(5)(a) A provider shall communicate the following points to a customer when making a deferred payment agreement:

1. You do not have to accept this agreement if you are not satisfied with it.

2. You have the right to negotiate for a different payment agreement.

3. If you and the provider cannot agree on terms, you can ask the commission to review the disputed issues.

4. If you accept the agreement, you agree that you owe the amount due under the agreement.

(b) A provider shall give written confirmation of a deferred payment agreement upon customer request.

(c) The commission may require a provider to use written deferred payment agreements. A written deferred payment agreement offered by a utility shall state the following immediately preceding the space provided for the customer's signature and in bold face print type at least 2-sizes as large or larger than any other uses thereon, that the print size used in the remaining portion of the agreement:

"IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR IF THE UTILITY'S FAILURE OR REFUSAL TELEPHONE PROVIDER FAILS OR REFUSES TO FOLLOW THE TERMS OF THIS AGREEMENT."

"IF YOU FAIL TO MAKE PAYMENTS ACCORDING TO THE TERMS OF THIS AGREEMENT, AND THERE HAS NOT BEEN A SIGNIFICANT CHANGE IN YOUR ABILITY TO PAY SINCE THE AGREEMENT WAS NEGOTIATED, THE

TELEPHONE PROVIDER HAS THE RIGHT TO DISCONNECT YOUR SERVICE AND IS NOT REQUIRED TO RENEGOTIATE ANOTHER DEFERRED PAYMENT AGREEMENT PRIOR TO DISCONNECTION."

(6) A delinquent amount covered by a deferred payment agreement shall not accrue interest, nor shall it be subject to a late payment charge if payments are made in accordance with the agreement.

(7)(a) To fulfill the terms of a deferred payment agreement the customer shall make payments in accordance with the deferred payment agreement which includes the initial payment, and an agreed upon portion of the total arrearage together with payment of at least the deniable charges on the provider's subsequent bills.

(b) If a customer has not fulfilled the terms of a deferred payment agreement, and there has been a significant change in the customer's ability to pay since the agreement was negotiated, the provider shall offer subsequent negotiation of a reasonable deferred payment agreement prior to disconnection. A change is significant if a different deferred payment agreement would have been negotiated had the new circumstances existed when the agreement was established.

(c). If ~~an applicant for utility service~~ a customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the ~~utility~~ provider shall have the right to disconnect pursuant to ~~disconnection of service rules~~ (s. PSC 165.052) and under such circumstances, it shall 165.0503. The provider is not be required to offer or negotiate a subsequent ~~negotiation of a deferred payment agreement~~ prior to disconnection. A change is significant if a different deferred payment agreement would have been negotiated had the new circumstances existed when the agreement was established.

(8) Any payments made under a deferred payment agreement shall be applied to the customer's account as follows:

(a) If a payment is made that matches the required payment under the agreement, the payment shall be applied according to the terms of the agreement.

(b) If a payment is made that is greater than the required payment under the agreement, the portion of the payment that is greater than the payment required under the agreement shall be applied to the arrearage.

(c) If a payment is made that is less than the required payment under the agreement, the payment shall be applied in the following order:

1. Arrearage portion of deferred payment agreement.

2. Deniable charges.

3. Non-deniable charges.

**PSC 165.0405 Meter reading interval.** As nearly as practicable meters shall be read at intervals to correspond to customer billing periods.

**PSC 165.0406 Billing recording equipment.** Where mechanical ~~and/or~~ or electronic means, or both, are used for recording information that will affect a customer's bill for local ~~and/or~~ or toll service, or both, such equipment shall be inspected when assigned and periodically on a sampling basis to see that it is functioning properly and accurately. The

utilities shall keep records of malfunctions. ~~The retention period for such records shall be 2 years.~~

**Note:** Under PSC 165.0210, utilities must keep records of malfunctions of such equipment for 2 years.

### **Subchapter V - Refusal, Restriction and Disconnection of Service**

**PSC 165.0501 Refusal of service. (1) REASONS FOR REFUSAL.** Service may only be refused a residential or small business applicant for one or more of the following reasons:

(a) Failure to pay a delinquent account in full or establish a deferred payment agreement under s. PSC 165.0404, if the provider notifies the applicant of the delinquent account at the time of the refusal. If the applicant requests details concerning the delinquent account, the provider shall, at a minimum, provide all of the following in writing:

1. The name and address on the delinquent account and any other responsible party on the account at the time the service was provided.
2. The telephone number to which the charges apply.
3. The time period during which the service was provided.
4. The amount owed.

(b) Failure to pay or establish a deferred payment agreement under s. PSC 165.0404 for service received by a previous customer at the premises to be served, if the previous customer continues to be an occupant of the premises.

(c) Failure to comply with deposit or deposit alternative arrangements under s. PSC 165.0403, or failure to accept a restriction of toll service, extended community calling or optional per-call services in place of a deposit under ss. PSC 165.0403(3)(b)2. and (4)(c)2.

(d) Failure to provide adequate verification of residency under s. PSC 165.0301(2)(b).

(e) Failure to provide information under s. PSC 165.0301(2)(a).

(f) Failure to comply with an applicable Wisconsin statute, commission rule or order, or authorized tariff.

(g) If the provider is neither an ILEC nor an ETC, lack of creditworthiness.

**(2) PROHIBITIONS AGAINST REFUSAL.** Notwithstanding sub. (1), service may not be refused a residential or small business applicant for any of the following reasons:

(a) Nonpayment of an account delinquent for over 6 months where collection efforts have not been made within that time period. This prohibition does not apply where passage of additional time results from other provisions herein or from good faith negotiations or arrangements made with the customer.

(b) Delinquency in payment for service received by a previous customer at the premises to be served, unless the previous customer continues to be an occupant of the premises.

(c) Failure to pay the account of another customer as guarantor thereof.

(d) Failure to pay for charges for non-utility merchandising activities, as defined in s. PSC 165.0803(1), billed by the provider.

(e) Failure to pay for a different class of service.

(f) Failure to pay a delinquent toll account billed by the provider, unless that provider, or its toll affiliate, is also the customer's toll service provider for the bill in question.

**Note:** This means the direct affiliate of the provider. For example, a toll affiliate of a CLEC that is an affiliate of an ILEC would not be included while the toll affiliate of the ILEC itself would be.

(g) A disputed matter that is being pursued in accordance with s. PSC 165.0303.

(h) During the up to 10 days when a provider is investigating and establishing an applicant's responsibility for any outstanding bill from the provider pursuant to s. PSC 165.0301(3).

**Note:** Although service cannot be refused under par. (h) above, restricted service may be imposed during this time under PSC s. 165.0502(3)(a)9.

**Note:** Under s. PSC 165.0503(4), a provider may not refuse to reconnect service for a residential premises if the service is essential due to an existing medical or protective service emergency.

**PSC 165.0502 Restriction of service. (1) DEFINITIONS.** For purposes of this section, "third party" means a person that is billing for goods or services, or both, using a telephone bill, but does not include the provider directly furnishing the telephone bill.

**(2) GENERAL.** (a) Restricted service shall be provided upon request to a customer or applicant that qualifies for service, or may be imposed as provided in this section.

(b) The services that may be restricted, limited or blocked include, but are not limited to: toll calls, extended community calling, calling card, collect call, pay-per-call, directory assistance, custom calling services and billing by third parties.

(c) Notwithstanding par. (b), a provider may not restrict, limit or block any essential service, as defined in s. PSC 160.03, other than those specifically listed in par. (b).

(d) A provider shall have a written, non-discriminatory policy regarding the circumstances under which service restrictions will be imposed. The policy shall be provided to applicants and customers upon request.

**(3) INVOLUNTARY SERVICE RESTRICTIONS.** (a) A provider may impose restricted service under any of the following circumstances:

1. When a customer's payment pattern results in an increasing arrearage or a continuing significant arrearage.

2. As a condition of a deferred payment agreement under s. PSC 165.0404.

3. Failure to comply with a deferred payment agreement under s. PSC 165.0404.

4. When an applicant for new service has an unpaid balance with the provider.

5. When a current occupant of the premises has an unpaid balance for service provided at that address by the provider.

**Note:** The unpaid balance in subds. 4. and 5. could include charges from both the provider issuing the bill and third parties.

6. Failure to comply with a deposit requirement as specified in s. PSC 165.0403.

7. During the at least 30-day or at least 15-day period during which a deposit may be paid under ss. PSC 165.0403(3)(b)2. or (4)(c)2.

8. If an applicant or customer misrepresents his or her identity or creditworthiness, fails to provide positive identification, or fails to provide proof of residency if required.

9. During the up to 10 days when a provider is investigating and establishing a customer's responsibility for any outstanding bill from the provider under s. PSC 165.0301(3).

10. When fraud or unauthorized use is substantiated.

11. Other circumstances as authorized by the commission.

(b) If a provider imposes a restriction under par. (a)1., the provider may only impose a restriction on the service, or usage related to the service, that is causing bill-paying problems, when such information is known.

(c) If a provider imposes restricted service under par. (a)2., it shall do so as soon as is practicable after establishment of the deferred payment agreement. The provider shall inform the customer when the restriction will go into effect as soon as that information is known.

(d) Unless notice has been provided under par. (c), a provider shall notify the customer of any involuntary service restriction no later than one business day after activation. The notice shall include identification of the service being restricted, the reason under par. (a) for the restriction, and the information in par. (e).

(e) Service restrictions imposed under par. (a) shall be removed within 2 business days of the day on which the provider becomes aware that the circumstances that prompted the restriction have been corrected.

(f) There shall be no charge for the activation and deactivation of an involuntary service restriction.

(4) VOLUNTARY SERVICE RESTRICTIONS. (a) A provider shall activate restricted service at the customer's request if it is technically feasible to restrict the specific service for which a restriction is requested and will not present an unreasonable economic burden. If it is not technically feasible or presents an unreasonable economic burden to restrict the specific service, the provider shall inform the customer of the availability of any block that includes a block of the specific service. The provider shall inform the customer, at the time of the customer's request, when any restriction will go into effect.

(b) If a provider bills charges for third parties, it shall offer a block of all billing by third parties and a block of billing by any individual third party named by the customer if it is technically feasible to do so and will not present an unreasonable economic burden.

(c) The activation and deactivation of a voluntary service restriction shall be without recurring or nonrecurring charge to low-income customers as defined in s. PSC 160.02(8), and at no charge other than for second and subsequent service activation and deactivation orders for other residential and standard business line customers.

(5) LIABILITY. Except in cases of fraud or intentional circumvention of the restriction, if restricted service has been provided upon request or imposed, or both, the provider may not bill to or collect from the customer for charges resulting from the service that is restricted if such charges were incurred after the restricted service was provided or imposed, or after the activation date under subs. (3)(c) and (4)(a).

**PSC 165.0503 Disconnection and refusal of service. (1) GENERAL RULES** (a) An account may not be deemed delinquent and a notice of intent to disconnect may not be issued until at least 14 days after the date the bill is issued.

(b) When a customer, either directly or through the public service commission, disputes a disconnection notice, the utility provider shall, pursuant to s. PSC 165.0303(1), investigate any disputed issue and shall attempt to resolve that issue by negotiation. During this investigation and negotiation, utility service shall may not be disconnected over this matter as a result of the disputed issue. Upon consideration of the facts and circumstances involved, commission staff may waive this non-disconnection requirement under exceptional or unusual circumstances. If a disputed issue cannot be resolved pursuant to s. PSC 165.0303(1), the provider shall inform the customer of the right to contact the commission and, if contact information is requested, shall furnish the commission's toll-free number.

**(2) REASONS FOR DISCONNECTION.** Utility service Service may only be disconnected ~~or refused~~ for any one or more of the following reasons:

(a) Failure to pay at least the deniable charges on a delinquent account in full or comply with the terms of a deferred payment agreement under s. PSC 165.0404 or failure to pay a delinquent account, provided the total amount owed for service used exceeds one month's local service charges.

(b) Failure to pay or establish a deferred payment agreement under s. PSC 165.0404 for service received by a previous customer at the premises to be served, if the previous customer continues to be an occupant of the premises.

(c) Failure to comply with deposit or ~~guarantee~~ deposit alternative arrangements as specified in s. PSC 165.051 under s. PSC 165.0403, or failure to accept a restriction of toll service, extended community calling or optional per-call services in place of a deposit under s. PSC 165.0403(5)(a).

(d) Failure of an applicant to provide adequate verification of residency under s. PSC 165.0301(2)(b).

(e) The provider is acting on commission order.

(f) Where a dangerous or emergency condition exists, in which case service may be disconnected without notice.

(g) Where subsequent ~~credit~~ information indicates that the initial application for service was falsified or incomplete to the extent that a deposit or guarantee would be required or service refused under the applicable sections of these rules service would have been refused at the time of initial application and would be refused under a current and correctly filed application.

(h) Violation of the utility's provider's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(i) Where fraud or unauthorized use of the service is substantiated.

**(3) PROHIBITIONS AGAINST DISCONNECTION.** Utility Notwithstanding sub. (2), service may not be disconnected ~~or refused~~ for any of the following reasons:

(a) Nonpayment of a ~~delinquent~~ an account delinquent for over 6 months old where collection efforts have not been made within that time period of time unless. This prohibition does not apply where the passage of additional time results from other



provisions herein or from good faith negotiations or arrangements made with the customer.

(b) Delinquency in payment for service received by a previous occupant of customer at the premises to be served other than a member of the same household residing at, unless the previous customer continues to be an occupant of the same premises.

(c) Failure to pay the account of another customer as guarantor thereof.

(d) Failure to pay for directory advertising or charges for non-utility service merchandising activities, as defined in s. PSC 165.0803(1), billed by the utility provider.

(e) Failure to pay for a different type or class of utility service.

(f) Failure to pay a delinquent toll account billed by the provider unless both of the following are true:

1. The provider, or its toll affiliate, is also the provider of the customer's toll service for the bill in question.

2. The customer is not low-income as defined in s. PSC 160.02(8).

**Note:** This means the direct affiliate of the provider. For example, a toll affiliate of a CLEC that is an affiliate of an ILEC would not be included while the toll affiliate of the ILEC itself would be.

**Note:** Under s. PSC 160.062(6), low-income customers cannot be disconnected from local service for nonpayment of toll charges.

(g) Failure to pay charges arising from any underbilling occurring more than one year prior to the current billing and due to any misapplication of rates.

(h) Failure to pay non-deniable charges that are not part of a deferred payment agreement.

(i) Nonpayment of a bill from a prior account in the customer's name, even if it has since been transferred to the customer's current account, unless the provider does all of the following:

1. Notifies the customer in writing of the delinquent bill

2. If the customer requests details concerning the delinquent bill, at a minimum provides all of the following in writing:

a. The name and address on the delinquent account and any other responsible party on the account at the time the service was provided.

b. The telephone number to which the charges apply.

c. The time period during which the service was provided.

d. The amount owed.

3. Provides at least 14 days after issuing the notice for the customer to dispute the bill, pay the delinquent prior account or make payment arrangements .

(4) MEDICAL OR PROTECTIVE SERVICE EMERGENCY. (a) Notwithstanding any other provision of this section, other than for reasons of safety or danger a provider shall postpone the disconnection of service to a residential premises, or reconnect the service if disconnected and the customer contacts the provider within 10 days of the disconnection, for at least 15 days to enable a customer to arrange for payment if both of the following conditions are met:

1. The service is essential due to an existing medical or protective service emergency in the customer's household.

2. The customer produces a licensed physician's statement or a notice from a public health, social service or law enforcement official that identifies the medical or protective service emergency and specifies the time period during which the service is essential.

(b) The statement or notice shall include all of the following information:

1. The name, address, and telephone number of the customer in whose name the account is registered.

2. The name of the individual with the medical or protective service emergency at the address where the service is provided, if other than the customer.

3. The nature and anticipated duration of the medical or protective service emergency.

4. The name, office address, and telephone number of the physician or public health, social service, or law enforcement official providing the statement or notice.

5. The specific reason why access to telephone service must be maintained and if other than local service is necessary.

(c) Service may be disconnected 3 business days after the customer informs the provider of the medical or protective service emergency if no statement or notice is produced within that 3 day period.

(d) During the 15-day or more extension of service, the provider and customer shall work together to explore resources and make reasonable payment arrangements in order to continue the service on a permanent basis.

(e) The provider may extend the postponement if there is evidence of reasonable communication between itself and the customer in attempting to make arrangements for payment.

(f) The customer shall be responsible for the cost of services provided during the period service is continued under the provisions of this subsection. No action to disconnect service may be taken until expiration of the period of continued service. When the statement or notice under subd. (a)2. has expired, the disconnection process may be reinitiated.

(g) If there is a dispute concerning a statement or notice of an existing medical or protective service emergency, either party may request review by commission staff. Pending such review, service shall be continued provided that the occupant has submitted the statement or notice under subd. (a)2.

(5) NOTICE OF DISCONNECTION OF SERVICE. (a) A utility shall provider may not disconnect service unless written notice by first class mail is sent to the customer by first class mail or, with the customer's permission, electronically or personally served at least 5 10 calendar days prior to the proposed disconnection. Service must be disconnected within 15 days of the date the notice is mailed unless the customer and the utility agree to extend this time period. If the 15 day period lapses due to the customer's pursuance of the dispute procedures herein described, If disconnection is not accomplished on or before the 20th day after issuance of a notice of disconnection, the notice is invalid and the utility provider shall provide further 5 day written furnish additional notice by first class mail or, with the customer's permission, electronically at least 10 days prior to disconnection.

(b) The utility provider shall make a reasonable effort to have a personal or telephone contact with the customer at least 2 days prior to disconnection. The provider shall keep a record of these contacts and contact attempts for a minimum of one billing

cycle after the proposed disconnection date. When a contact is made, the provider shall review the reasons for and timing of the pending disconnection of service and explain what actions must be taken to avoid disconnection. For purposes of this subsection, contact includes leaving such information on an automatic answering device.

**Note:** See s. PSC 165.0201 regarding how long records of such contacts and contact attempts must be retained.

(c) Notice of disconnection for nonpayment shall be provided in a format acceptable to commission staff.

(d) ~~The Notice~~ notice of disconnection for nonpayment shall be given upon a form approved by the commission, and shall contain the following information:

1. The name and billing address of the customer.  
2. A statement of the ~~reason(s)~~ reason for the proposed disconnection of service and that disconnection will occur if the account is not paid, or if arrangement is not made to pay the account under deferred agreement, or if other suitable arrangements are not made.

3. A statement that disconnection will occur if the account is not paid, if arrangement is not made to pay the account under a deferred payment agreement, or if other suitable arrangements are not made.

4. A statement that the customer should call the provider, at the phone number prominently displayed on the notice of disconnection, immediately upon receipt of the notice if any of the following are true:

a. The customer disputes the notice of delinquent account.  
b. The customer wishes to negotiate reasonable payment arrangements or a deferred payment agreement as an alternative to disconnection.  
c. Service is necessary because of a medical or protective service emergency at the premises where service is provided.

5. A statement that the customer should first attempt to resolve any dispute by contacting the provider, and that if the grounds for the proposed disconnection remain in dispute after the customer has pursued the remedies available with the provider, the customer may contact commission staff. The provider shall include the commission's toll-free number on the notice of disconnection.

**Note:** The commission recommends that disconnection notices also include information about low-income programs for which the customer may be eligible. See chs. PSC 160.06 to 160.062.

(6) DISCONNECTION PROHIBITED ON CERTAIN DAYS. Service shall ~~may~~ not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the utility customer service personnel are not available to the public for the purpose of transacting all business matters unless the utility provides personnel which are readily available to the customer 24 hours per day to evaluate, negotiate or otherwise consider the customer's objection to the disconnection as provided under s. PSC 165.0535, and proper service personnel are readily available, and to restore service 24 hours per day.

## **Subchapter VI - Service Standards**

**PSC 165.0601 Adequacy of service** (1) Each utility shall employ recognized engineering and administrative procedures to determine the adequacy of service being provided to the customer.

(2) Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided during the busy hour, busy season.

(3) Each telecommunications utility shall insure access to operator services for all exchanges operated during the 24 hours of the day.

(4) Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept up to date and checked periodically to determine if adjustments are necessary to maintain proper balance in all trunk and equipment groups.

(5) Local service furnished by means of line concentrator, remote switching unit, or subscriber carrier equipment at a given central office shall be substantially equivalent to that furnished other ~~subscribers~~ customers at that central office served by means of normal physical loops.

**PSC 165.0602 Basic utility obligations.** (1) Each telecommunications utility shall provide telecommunications service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed the standards set forth in these "Standards for Telecommunications Service."

(2) Each telecommunications utility has the obligation of continually reviewing its operations to assure the furnishing of adequate service.

(3) Each telecommunications utility shall maintain records of its operations in sufficient detail as is necessary to permit such review and such records shall be made available for inspection by the commission upon request at any time within the period prescribed for retention of such records.

(4) Each telecommunications utility shall have at its principal office or offices in the state of Wisconsin adequate records or maps showing all equipment components and location, type, use and ownership of all rural and connecting lines as well as records or maps showing location and ownership of local exchange lines, cables, and conduits.

(5) Where a telecommunications utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that the results of the telecommunications operation may be determined upon reasonable notice and request by the commission.

(6) (a) Each local exchange telecommunications utility shall provide single-party revertive calling capability without a monthly subscription charge for all basic local exchange service customers in all exchanges.

(b) A local exchange telecommunications utility may apply per-call charges for single-party revertive calls if so authorized by the commission.

(c) Wisconsin Bell, Inc., state long distance telephone company, and Stockbridge & Sherwood telephone company shall phase in single-party revertive calling as their central offices become equipped under schedules authorized by the commission in docket 05-TI-114. Within 90 days of the date one of these utilities installs single-party revertive

calling capability in a central office, that utility shall prepare bill inserts explaining the use of that capability and shall distribute those inserts to all affected customers.

**PSC 165.0603 Line fills.** (1) No utility shall connect more customers on any line than are contemplated under the grade of service charged the customer on such line.

(2) On lines where multi-party service is provided no more than 4 customers shall be connected to any one circuit, unless approved by the commission.

**PSC 165.0604 Traffic and operator rules.** (1) Suitable practices shall be adopted by each telecommunications utility concerning the operating methods to be employed by operators with the objective of providing efficient and pleasing service to the customers.

(2) Telecommunications employees shall be instructed to be courteous, considerate and efficient in the handling of all matters, and to comply with the provisions of the Communications Act of 1934, as amended, in maintaining the secrecy of communications. Under no circumstances shall any telecommunications utility employee repeat, divulge, or use the nature or content of any local or long distance call.

(3) All operator-handled calls shall be carefully supervised and disconnects made promptly.

(4) If a customer reaches a wrong number on a direct dialed call and notifies the operator, the telecommunications utility shall take reasonable action which may include referring the customer to the carrier to make certain that the charge for the call does not appear on the customer's bill.

**PSC 165.0605 Answering General answering time objectives standards.** Sufficient forces and equipment shall be maintained to attain the following average daily answer performance objectives standards:

(1) Operator handled traffic—90% of the calls answered within 10 seconds.

(2) Operator identified DDD calls—95% of the calls answered within 5 seconds.

(3) Combined operator assisted traffic and operator identified DDD calls—2.7 seconds average answer time.

(4) Directory assistance and intercept calls—85% of the calls answered within 10 seconds or 92% within 20 seconds or with automatic call distribution systems or equivalent, it will be 6.3 seconds average answer time.

(5) Repair calls—92% answered within 20 seconds or with automatic call distribution systems or equivalent, it will be 6.3 seconds average answer time.

(6) Appropriate equipment from which adequate service measurement can be compiled shall be installed in all toll centers.

**PSC 165.0606 Business office answering time standards.** (1) In this section: (a) “Automated answering system” means a system in which an automatic call distributor is used to manage incoming calls and to place calls in a queue, and which has the capability to generate statistical information.

(b) “Automated menu system” means an interactive menu-driven system in which an automatic call distributor is used to manage incoming calls and to place calls in a queue until the menu is accessed, and which has the capability to record data regarding incoming calls.

(c) “Dropped call” means a call attempt abandoned or cut off prior to being answered by an agent or before entering a digit in the menu of an automated system. Dropped calls include those abandoned due to reaching a busy signal, during ringing or while in queue beyond the answer speed requirement. Calls dropped or cut off while awaiting an agent following a caller’s selection of the option to be connected to an agent from an automated menu system are dropped calls for purposes of calculating agent answer speed.

(d) “Answer speed” means the amount of time it takes for a dialed call to be answered by either an agent or by reaching the menu of an automated system, ready to assist the caller, measured from the point when the last digit of the call attempt is dialed. Placing a call in queue or an acknowledgement that the caller is waiting on the line shall not constitute an answer.

(2) For the hours during which a provider’s business office is available to answer telephone calls, the provider shall maintain a sufficient number of knowledgeable employees and the equipment necessary to meet or exceed the following standards for calls to obtain information or transact business such as establishing service, changing service, making bill inquiries, or establishing payment arrangements:

(a) An average answer speed of 26.3 seconds or less if answered by an automated menu system. This average speed shall be determined by summing the total ringing and queuing time, not including that of dropped calls, and dividing it by the total number of calls handled by the automated system minus dropped calls.

(b) An average answer speed of 60 seconds or less if answered by an agent with or without an automated answering system. The average answer speed shall be determined by summing the total ringing and queuing time, not including that of dropped calls, and dividing it by the total number of calls answered by agents minus dropped calls.

(c) An average agent answer speed of 60 seconds or less if answered by an agent following a caller’s selection of the option to be connected to an agent from an automated menu system. The average agent answer speed shall be determined by summing the total time between the selection for live response and answering by an agent who is ready to assist the caller, not including that of calls dropped after making the selection, and dividing it by the total number of calls connected to an agent minus calls dropped after making the selection.

(3) A provider must offer callers the option of selecting an agent contact among those selections presented by any automated menu system.

(4) If a provider uses an automated menu system, the provider shall count and record the total number of calls, agent-answered calls and dropped calls and calculate the average answer speed and the percent of calls dropped. The basis for counting, recording and calculating these items shall be a one-month period.

(5) If a provider uses an automated menu system, the provider shall count and record the total number of calls, agent-answered calls and dropped calls and calculate the average answer speed, and the percent of calls dropped. The basis for counting, recording, and calculating these items shall be a one-month period.

(6) A provider shall maintain the information in subs. (4) and (5) for 3 years in a manner acceptable to the commission.

**PSC 165.0607 Dial service objectives standards.** (1) Each central office shall have central office capacity and equipment to attain the following minimum requirements during average busy season-busy hour traffic:

(a) Dial tone speed—98% within 3 seconds.

(b) Intraoffice trunking shall be designed so that 97% of the calls can be handled without encountering an all trunks busy condition. Any intraoffice trunk group shall be designed so that no more than 1% of the calls encounter an all trunks busy condition.

(2) Each utility shall employ appropriate procedures to determine the adequacy of central office equipment.

**PSC 165.0608 Interoffice trunks.** Quantities of local interoffice trunks between central offices in multioffice exchanges and toll connecting trunks shall be designed so that at least 97% of calls offered to the group will not encounter an all-trunks-busy condition. The objective standard for extended-area service trunks shall be no less than 97%.

**PSC 165.0609 Transmission requirements.** Telecommunications utilities shall furnish and maintain adequate plant, equipment, and facilities to provide satisfactory transmission of communications. Transmission design, which includes the consideration of noise and cross-talk, shall be such as to assure that objectives standards stated in s. PSC 165.087 165.0610 are met by better than 95% of the trunks and subscribers' lines in service. It is recognized that, due to extreme environmental conditions and economic factors, it is normal to have a small percentage of items that exceed objective standards levels. In the event that the loss exceeds the stated objectives standards by more than 4 decibels dB, or the noise exceeds the stated objectives standards by more than 10 dB, such cases of excess loss or noise shall be considered as troubles requiring immediate action.

**PSC 165.0610 Minimum transmission objectives standards.**(1) DEFINITIONS. In this section:

(a) Noise as referenced herein means noise expressed in dB above reference noises with standard "C" message weighting, i.e.,  $OdBrnC = -90$  dBm.

(b) Reference noise means noise which is minus 90 dBm referred to one milliwatt.

(c) dBm0 means the signal power expressed in dB referred to or measured at zero transmission level point or zero relative transmission level, i.e., 0dBm0.

(d) dBnrC is also defined as dBmC0 minus expected measured loss, e.g., a noise objective standard of 36 dBmC0 with an expected measured loss of 6 dB will have a noise objective standard of 30 dBnrC and a maximum noise of 40 dBnrC.

(e) Transmission loss as set forth herein means the loss that occurs in a telecommunications connection, measured in decibels (dB) at 1004 Hertz, exclusive of test pads, impedance matching coils used for measurement, and similar devices.

(2) SUBSCRIBER LINES. (a) The transmission objectives standards set forth herein are based upon measurements at the subscriber's customer's network interface device with customer inside wire and customer premise equipment disconnected.

(b) A subscriber line shall, in general, have a loop resistance not exceeding the operating design of the associated central office equipment. Amplifiers and long line



adapters may be used to extend the central office equipment design limits; however, the objectives of standards in these rules must still be met.

(c) The maximum transmission loss objective standard of any one subscriber loop shall be 8.5 dB dialed to the serving central office milliwatt tone supply. Subscribers' loops with losses in excess of 12.5 dB shall be considered as troubles requiring immediate action.

(d) The maximum noise objective standard for subscribers' lines shall be 25 dBrnC. Subscribers' lines with noise in excess of 35 dBrnC shall be considered as troubles requiring immediate action.

(3) TRUNKS. (a) The maximum overall transmission loss objective standard, including the loss of terminating equipment on local interoffice and toll trunks shall be 6 dB. Local interoffice and toll trunks with losses in excess of 10 dB shall be considered as troubles requiring immediate action.

(b) The maximum noise objective standard for trunks, with both terminals located in Wisconsin, shall be 36 dBrnC0. Noise in excess of 46 dBrnC0 shall be considered as troubles requiring immediate action.

**PSC 165.0611 Public telephone service.** In each incorporated municipality served by the utility and where public convenience requires it the telecommunications utility shall supply at least one public pay station that will be available to the public on a 24-hour basis.

**PSC 165.0612 Interruptions of service.** (1) In this section:

(a) "Out of service" means that customer cannot originate, complete or receive calls for an interval greater than 30 seconds.

(b) "Substantial number of its customers" means the smaller of 25% or 1,000 of the office local loop access lines.

(2) Each telecommunications utility shall make all reasonable efforts to prevent interruptions of service. When routine interruptions occur, the utility shall re-establish service as soon as possible consistent with the customer's needs. The minimum objective standard shall be to clear 95% of all routine out-of-service troubles within 24 hours of the time such troubles are reported.

(3) When major interruptions occur, the utility shall proceed promptly to re-establish service within a reasonable period of time consistent with the physical conditions encountered and available work forces.

(4) Each telecommunications utility shall report promptly to the commission a specific occurrence or development that disrupts local and/or toll service of a substantial number of its customers for a time period in excess of one hour, or which may impair the utility's ability to furnish service to a substantial number of customers.

(5) Arrangements shall be made to receive customer trouble reports 24 hours daily and to clear trouble of an emergency nature at all hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

(6) Repair service shall be available daily, including Sunday, to all customers in the case of a service interruption.

(7) It shall be the objective standard to so maintain service that the average rate of all customer trouble reports attributable to regulated utility plant and operations in an



exchange is no greater than 5 per 100 access lines per month.

Note: Under PSC 165.0206, utilities are required to keep certain records of customer trouble reports for the time period specified in PSC 165.0201.

### **Subchapter VII - Equipment and Technical Standards**

**PSC 165.0701 Construction.** Construction of telecommunications plant shall be subject to the provisions of the current Wisconsin state electrical code and ch. PSC 162. The equipment, materials and supplies used for the construction of telecommunications plant will be those designed for the purpose.

**PSC 165.0702 Maintenance of plant and equipment.** (1) Each telecommunications utility shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system so as to permit the rendering of safe, adequate, and continuous service at all times.

(2) Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and adequate service performance. Broken, damaged, or deteriorated parts which are no longer serviceable shall be repaired or replaced. Adjustable apparatus and equipment shall be readjusted as necessary when found by preventive routines or fault location tests to be in unsatisfactory operating condition. Electrical faults, such as leakage or poor insulation, noise induction, crosstalk, or poor transmission characteristics, shall be corrected to the extent practicable within the design capability of the plant affected.

(3) The maintenance program shall also include definite procedures designed to keep the central office equipment rooms clean, and the humidity at a satisfactory level. These rooms should not ordinarily be used for storage of general supplies nor for a general workshop.

**PSC 165.0703 Central office equipment.** Telecommunications utilities providing new dial central offices shall provide as a minimum:

- (1) Full selective ringing on all 2-party and 4-party lines.
- (2) Adequate intercept to cover changed numbers, vacant numbers and vacant levels.
- (3) Subscriber line busy verification limited to operator and maintenance personnel access in order to insure secrecy of communications.
- (4) Metering or recording of trunk group data to measure peg count (PC) and overflow (OF) or peg count (PC) and all trunks busy (ATB), or to measure usage.

**PSC 165.0704 Interconnection service standards.** Effective with the adoption of these rules, telecommunications utilities shall not provide interconnection service which does not meet the technical criteria of these rules or orders of the commission.

**PSC 165.0705 Emergency operation.** (1) Each telecommunications utility shall make reasonable provision to meet emergencies resulting from national security requirements, failures of lighting or power service, sudden and prolonged increases in traffic, illness of personnel, or from fire, storm, or similar emergencies, and each

telecommunications utility shall inform employees as to procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of telecommunications service.

(2) It is essential that all central offices and remote switching units have reasonably adequate provision for emergency power. For offices or remote switching units without installed emergency power facilities, there shall be a mobile power unit available which can be delivered on reasonably short notice, and which can be readily connected.

**PSC 165.0706 Protection of utility facilities.** A public utility upon receipt of written notice as required by s. ~~66.047 (2)~~66.0831, Stats., from the property owner or from a contractor of work which may affect its facilities used for serving the public:

(1) Shall investigate and decide what action, if any, must reasonably be taken to protect or alter utility facilities, in order to protect service to the public and to avoid unnecessary damage, such as identifying in a suitable manner the location of any underground utility facilities which may be affected by the work.

(2) The utility shall take such action as is reasonably and legally necessary to protect, remove, alter, or reconstruct its facilities, and shall perform such work with reasonable dispatch taking into account the conditions to be met, provided that nothing in this rule shall be deemed to affect any right which the utility may have to require advance payment or adequate assurance of payment of the reasonable cost thereof to the utility by the property owner or contractor

(3) The utility may, in order to protect its interest, require that the owner or contractor perform certain work upon that part of the service piping or wiring on or being removed from the property on which the excavating, building, or wrecking operations are being performed.

(4) This rule is not intended to affect the responsibility of the contractor or owner, or the liability or legal rights of any party.

**PSC 165.0707 Interference with public service structures.** (1) No utility having any work upon, over, along, or under any public street or highway or upon, over, along, or under any private property shall interfere with, destroy, or disturb the structures of any other public service corporation or railroad encountered in the performance of such work so as to interrupt, impair, or affect the public service for which such structures may be used, without first reaching an agreement concerning the location and the nature of the proposed work

(2) A utility shall exercise care when working in close proximity of existing facilities. When the facilities are underground and are to be exposed or possibly may be exposed, hand-digging shall be employed. In these cases, such support as may be reasonably necessary for protection of the facilities shall be provided in and near the construction area. When backfilling an excavation such procedures and materials will be employed to provide reliable support for existing underground facilities in and near the construction area.

(3) A utility shall, in the absence of working arrangements, give at least 3 days' written notice (not counting Saturdays, Sundays, and legal holidays) to all utilities or railroads and to those who may have facilities in and near the construction area which

may be affected by the proposed work. The utility proposing to work shall obtain from the affected party the location of the existing facilities determined to be affected or to be in and near the construction area

(4) A utility upon receiving a notice of proposed construction shall furnish in 3 days detailed information relative to location and type of facilities that are present in the proposed construction area. In those cases where the facilities are underground, they shall be marked physically in the field relative to location.

(5) Nothing in the above shall prevent a utility from proceeding as quickly as possible with any emergency construction work which might interfere with existing facilities. However, all reasonable precautions shall be taken to avoid or minimize damage or interference to the other facilities and notification shall be given as soon as possible to the utilities which have facilities in the construction area.

**PSC 165.0708 Provision for testing.** Each telecommunications utility shall provide or have access to test facilities which will enable it to determine the operating and transmission capabilities of circuit and switching equipment, either for routine maintenance or for fault location.

**PSC 165.0709 Meter and recording equipment test facilities.** (1) Each utility furnishing telecommunications service, where local exchange billing is based on the number and/or duration of ~~messages completed calls~~, shall provide the necessary facilities, instruments, and equipment for testing its metering and recording equipment. Any utility may be exempted from this requirement by the commission, provided that satisfactory arrangements are made for test of its meters and recording equipment by another utility or approved organization.

(2) The over-all accuracy of the test equipment and test procedure shall be sufficient to enable test of meters and recording equipment within the requirements of these rules.

**PSC 165.0710 Accuracy requirements.** All meters ~~and/or~~ and recording devices used to record data and prepare customer's bills shall be in good mechanical and electrical condition, shall be accurately read and shall not involve approximations. All meters ~~and/or~~ and recording devices shall accurately perform the following:

(1) For message rate service, where timing of the length of message completed calls is not involved, the meter ~~and/or~~ or recording device, or both, shall show accurately the number of completed ~~messages calls~~ sent by the access line which it is measuring.

(2) For message rate ~~and/or~~ or toll service, or both, when in addition to recording the number of ~~messages completed calls~~ it is necessary to time the ~~messages calls~~, the meter ~~and/or~~ or recording device, or both, shall show accurately the number of ~~messages completed calls~~ and the connected time (for person-to-person messages, conversation time) involved in each ~~message such call~~ made on the access line being measured.

(3) Where the recording equipment provides coded information that is used to automatically prepare customer bills, accurate interpretation of such coded information is required.

**PSC 165.0711 Initial test.** Every telecommunications meter and/or recording device shall be tested prior to its installation, either by the utility or an approved organization equipped for such testing.

**PSC 165.0712 As-found tests.** All meters and/or recording devices tested in accordance with these rules for routine or complaint tests shall be tested in the condition "as found" in connection with the customer's service prior to removal or adjustment in any respect.

**PSC 165.0713 Routine tests.** Each utility shall adopt appropriate practices for the test and maintenance of its meters and/or recording devices to assure the integrity of their operation.

**PSC 165.0714 Request tests.** Each utility shall make a test of any meter and/or recording device upon request of any customer, provided such request is not made more frequently than once each 12 months.

**PSC 165.0715 Referee tests.** Any customer, by written application to the commission may have a test conducted by the utility in the presence of a representative of the commission.

### **Subchapter VIII - Miscellaneous Requirements**

**PSC 165.0801 Protective measures.** (1) Each utility shall exercise reasonable care to reduce the hazards to which its employees, its customers, and the general public may be subjected.

(2) The utility shall give reasonable assistance to the commission in the investigation of the cause of accidents and the determination of suitable means of preventing accidents.

(3) Each utility shall maintain a summary of all reportable accidents and interruptions arising from its operations as provided in ch. PSC 104.

**PSC 165.0802 Safety program.** Each utility shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program should:

(1) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner.

(2) Instruct employees in safe methods of performing their work.

(3) Instruct employees who, in the course of their work are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of artificial respiration.

**PSC 165.0803 Nonutility merchandising activities** (1) "Nonutility merchandising activities" means the sale or lease of equipment or services under terms which are not regulated by the public service commission.

(2) A telecommunications utility may engage in nonutility merchandising activities by filing a notification with the commission of the utility's intention to merchandise. The notification shall be in the form of a letter and tariff filing.

(a) The letter shall include:

1. A statement of need for such activity.
2. A statement agreeing that nonutility merchandising activities, direct sales or lease, shall be accounted for under the commission's approved uniform system of accounts

(b) The tariff shall include:

1. An identification of the services or equipment to be merchandised.
2. An identification of the geographic area in which the services or equipment will be merchandised.

(3) The commission may set the filing for investigation and hearing at any time if it believes the public interest may be harmed by the nonutility merchandising activities because of potential abuses such as price discrimination, anti-competitive behavior, service deterioration or cross-subsidy from regulated services.

(4) If a telecommunications utility proposes the exclusive nonutility merchandising of a service or product being provided under tariff, the commission shall treat the filing as a proposal for abandonment of service pursuant to s. 196.81, Stats. (See also s. PSC 2.71).

**PSC 165.0804 Customer caused interference.** If the use of service interferes unreasonably with the necessary service of other customers a customer may be required to take service in sufficient quantity or of a different class or grade.

#### In PSC 2

**PSC 2.11** No public utility, except a telecommunications utility, may abandon facilities or discontinue service without commission authorization made after a public hearing. The commission need not hold a public hearing if the application is accompanied by all of the following:

#### In reseller rule

**PSC 168.09(5)** Alternative telecommunications utility resellers shall comply with ch. PSC 160, subch. I of ch. PSC 165, ss. PSC 165.0201 and 165.0202, subch. III of ch. PSC 165, ss. PSC 165.0401 to 165.0404, subch. V of ch. PSC 165, and s. PSC 165.0606. If a particular deadline in s. PSC 168.10 differs from a particular deadline in ch. PSC 165, the shorter deadline shall apply.

Section PSC 165.0302(6) first applies to customers who order basic local service or a service package on the effective date of this bill...[revisor inserts date].

This rule shall take effect on the first day of the ~~third~~ seventh month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.) Stats.

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**PSC 165.0103 Suspension of agents.** The commission may, for a specified period, suspend commission recognition of any agent that files complaints with the commission on behalf of customers if the commission finds that the agent has engaged in an act of fraud or misrepresentation, or repeatedly failed to comply with commission rules, or repeatedly failed to comply with commission directives or orders. Prior to imposing a suspension under this section, the chairperson of the commission or the chairperson's designee shall conduct a hearing concerning the proposed suspension. The hearing shall be conducted under ch. 227 and the decision of the commission may be appealed under s. 227.52

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